



August 7, 2014

To Teachers and Staff at MHS and JCES:

The District has received a letter from PEER, a Washington D.C.-based environmental advocacy group, asserting that the SMMUSD has threatened that our teachers will be terminated if they refuse to occupy classrooms containing toxic compounds. This is a distortion of the truth and we want to address this misinformation.

First, no one will be allowed to go into buildings deemed unsafe by environmental experts. The health and safety of our students and employees is our top priority. Classes will only be conducted in buildings tested and scientifically cleared, based on EPA health benchmarks.

Second, regarding the safety of our schools, in a letter to Senator Barbara Boxer (attached), the US Environmental Protection Agency validated the District's environmental testing program that included pre-1981-built buildings, noting, "The District has been responsive to (EPA) protocol by taking extensive air and dust samples in classrooms at Malibu High School in preparation for classes to begin in the fall, based on EPA-approved procedures."

To date, PCB test results show that the classrooms and offices at Malibu High School (MHS) and Juan Cabrillo Elementary School (JCES) are showing non-detectible levels or levels well within EPA's acceptable benchmarks. Accordingly, we have reopened those buildings that have been cleared and welcome the safe return of teachers, staff and students to our campuses.

I must note that the comment received most often by staff and parents is the overwhelming desire to finish the environmental testing, ensure the buildings are safe, and then get back to our important work of educating our students. I couldn't agree more.

The District's overall policy regarding teacher classroom assignments is very clear and reflected in our collective bargaining agreements with our employee groups. Simply put, our teachers need to adhere to the elements of their contract. But we also expect that you understand your important role within our instructional community and our collective need to truly engage our students.

We are sensitive to that fact that there are understandably questions given that there has been an outside group circulating inflammatory and incorrect information that conflicts with the guidance the state and federal agencies have provided the District. The District has been

unequivocal that we will **ONLY** return staff and students to buildings that meet the EPA's health standards.

However, to that end, teachers need to be in the classrooms to which they are assigned. As instructional leaders, we all must work together to provide a strong, safe learning environment that promotes success and creativity. That's our core. Ensuring our students are learning is at the heart of our job.

This is a critical year in public education, with curriculum and teaching methods shifting to the Common Core State Standards. To meet this challenge, our teachers have spent countless hours receiving the professional development needed for effective implementation. But as we all know, the most important element for success for CCSS or any other program is the ability for students to focus. We need to move forward, as a team, and allow our students to learn.

For more information about the Malibu testing and next steps, the District has developed a Fact Sheet on the District's website at www.smmusd.org. Also, as always, my administrative team and I are also available to address questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra Lyon", with a long horizontal flourish extending to the right.

Sandra Lyon
Superintendent



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 95105-3901**

JUL 31 2014

**OFFICE OF THE
REGIONAL ADMINISTRATOR**

The Honorable Barbara Boxer
United States Senate
Oakland Office - Attention: Ms. Madeline Peare
70 Washington Street, Suite 203
Oakland, CA 94607

Dear Senator Boxer:

EPA shares your concerns regarding potential health impacts posed by PCBs at Malibu High School, Malibu Middle School and Juan Cabrillo Elementary School. At the invitation of Ms. Jennifer deNicola, President of Malibu Unites, on June 20, 2014, I toured Malibu High School and met with Ms. deNicola, representatives of her organization, school officials, and teachers to hear their concerns firsthand.

PCBs were widely used in building materials in the United States, including in school construction, from the 1950s until 1979. Recognizing the concerns from widespread exposure to PCBs, in 1976, Congress passed the Toxic Substances Control Act (TSCA), which among other things bans the use of PCBs, other than in a totally enclosed manner or as authorized by EPA via rulemaking.

In recent years, EPA has devoted considerable resources and attention to identifying PCB exposure pathways of concern and how best to limit or mitigate those pathways. Recent scientific studies, including a 2012 study by EPA's Office of Research and Development (ORD), show that primary health concerns from PCBs in building materials derive from inhalation of contaminated air; and secondarily from contact with PCBs in dust and subsequent incidental ingestion.

In her letter to you, Ms. deNicola requests that EPA require testing of all potential PCB sources at the Malibu High School. Based upon the science, EPA's current recommended approach for school managers is to focus testing on air and dust for PCBs to assess the level of hazard, if any, to student and teacher populations. To the extent that any levels of concern in air or dust are identified, schools should address the primary source of the health risk, including incorporating additional and more extensive cleaning practices and PCB-source identification and removal where necessary.

The District has been responsive to the above protocol by taking extensive air and dust samples in classrooms at Malibu High School in preparation for classes to begin in fall, based on EPA-approved procedures. All air samples but one have shown PCB concentrations below the Agency's public health guidelines. The District did discover a low number of dust samples where PCBs were elevated. The District has taken quick action to incorporate a cleaning and testing program at the High School that EPA believes will effectively address this pathway of human exposure. The District's testing and cleaning work concludes on August 8. The District has also been inspecting light fixtures to ensure that PCB-containing ballasts have been removed. Although most ballasts were previously removed, several

existing light fixtures show staining from past PCB ballast leaks. The District plans to remove the stained light fixtures.

In her letter to you, Ms. deNicola also asks for the immediate removal of all known PCB sources at Malibu High School that contain PCBs at or above 50 ppm. Specifically, last October, the District voluntarily collected caulk samples that identified four classrooms where PCBs in the caulk exceeded that regulatory limit.

I concur that the TSCA regulations do not authorize the use of building materials containing PCBs above 50 ppm. The District's plan submitted to EPA on July 3, 2014, proposes to remove PCB-containing material in the four classrooms during renovation or demolition of the buildings. This proposal is currently under review. During the week of August 11, we will provide our conclusions about the work conducted this summer by the District and outlining a path forward for completing removal of PCBs required under TSCA. School opens the following week.

To reiterate, EPA continues to take the concerns raised by teachers and parents at Malibu High School very seriously. We are committed to ensuring that students and teachers at this school, as in all schools, are safe from exposure to PCBs. For this very reason, the focus of our efforts has been on partnering with the District to identify the human exposure pathways of greatest concern, namely air and dust, and making sure that those pathways are effectively addressed in a manner that makes the High School safe now and into the future.

For your information, enclosed with this letter is an earlier correspondence EPA sent to Ms. deNicola regarding PCBs at Malibu High School.

Thank you for your attention to this matter. For further assistance, please contact Congressional Liaison, Brent Maier, at (415) 947-4256.

Jared Blumenfeld

A handwritten signature in blue ink, appearing to read "Jared Blumenfeld", is written below the typed name.